


**Patent Application Transmittal**

(only for new nonprovisional applications under 37 C.F.R. 1.53(b))

17364 U.S. PTO  
08/22/0322387 U.S. PTO  
10/646145  
08/22/03

FIRM: ANDERSON KILL & OLICK, P.C. ADDRESS: 1251 Avenue of the Americas New York, New York 10020 TEL: (212) 278-1000 FAX: (212) 278-1733		<b>EXPRESS MAIL</b>  Mailing label number: EV 331921594 US Date of Deposit: August 22, 2003 I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated above and is addressed to: M/S Patent Application, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.  <u>Audrey de Souza</u> (Typed or printed name of person mailing paper or fee)   (Signature of person mailing paper or fee)
		[37 CFR § 1.8 Certificate of Mailing CANNOT be used.]

 Date: August 21, 2003  
 Attorney Docket No.: DE-1501
**Mail Stop Patent Application**  
**COMMISSIONER FOR PATENTS**  
**PO Box 1450**  
**Alexandria, VA 22313-1450**

Sir:

With reference to the filing in the United States Patent and Trademark Office of an application for patent in the name(s) of:

**Bongcheol, KIM, Mirim, JIN, Eun-Jin PARK, Hyung-Jin, JUNG, Sung-Seup, SHIN, Jin-Hwan, OH, Hwa-Jun, LEE, Sunyoung, KIM and Hyang, JEON**

 Entitled: **COMPOSITION COMPRISING THE EXTRACT OF ACTINIDIA ARGUTA AND RELATED SPECIES FOR THE PREVENTION AND TREATMENT OF ALLERGIC DISEASE AND NON-ALLERGIC INFLAMMATORY DISEASE**
☒ **New Application. This application claims the benefit of Provisional Application No. 60/405,295 filed on August 23, 2002.**
☐ Continuing Application

☐ Continuation ☐ Divisional ☐ Continuation-in-Part (CIP)  
 of, filed.

[Note: If priority under 35 U.S.C. 120 involves a series of respectively co-pending applications, then in this amendment identify each and its relationship to its immediate predecessor.]

☐ The prior application is assigned of record to

X This is an application of a **small entity** under 37 CFR 1.9(f) and the amounts shown in parentheses below have been employed in calculating the fee:

The following are enclosed:

X 40 pages Specification including Abstract  
X 5 Sheet(s) of Drawings (Figs 1a-2b)  
X 37 Claim(s) (including 6 independent claims)

— This application contains a multiple dependent claim  
— Information Disclosure Statement, PTO-1449 and — references

X New formal drawings are enclosed.

X This filing fee has been calculated on the basis of the claims as amended by any enclosed preliminary amendment as follows:

Basic Fee \$750.00 (\$375.00).....	\$ 375.00
Number of Claims in excess of 20 at \$18.00 (\$ 9.00) each: .....	153.00
Number of Independent Claims in excess of 3 at \$84.00 (\$42.00) each: .....	126.00
Multiple Dependent Claim Fee at \$280.00 (\$140.00).....	00.00
<u>X</u> Assignment Recording Fee \$40.00.....	40.00
Total Filing Fee.....	<u>\$ 694.00</u>

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication and credit any overpayment to Deposit Account No. 01-1944. A duplicate copy of this sheet is enclosed

(X) Any additional filing fees required under 37 CRF 1.16  
 (X) Any patent application processing fees under 37 CRF 1.17.

X Oath or Declaration and Power of Attorney  
X New X signed — unsigned  
— Copy from a prior application (37 C.F.R. 1.63(d))

#### Deletion of Inventors

— Signed Statement attached deleting inventor(s) named in the prior application (37 C.F.R. 1.63(d)(2) and 1.33(b))

— Power of attorney and/or correspondence address was changed during prosecution of the prior application. The new power of attorney is to —. The new correspondence address is indicated above.

— Incorporation by Reference (for continuation or divisional application)  
 The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

X A Preliminary Amendment is enclosed.  
 (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

— Cancel in this application original claims — of the prior application before calculating the filing fee.  
 (At least one original independent claim must be retained for filing purposes.)

- A receipt in the Case of an Original Deposit under the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Pursuit of Patent Procedure is enclosed.
- A Sequence Listing in computer readable format on diskette as well as a paper version and a statement according to the rules for submitting sequence listings are enclosed.
- Certified copy of each foreign priority application on which the claim for priority under 35 U.S.C. 119 is based is enclosed. A list of said foreign priority application(s) is (are) provided below. Acknowledgement thereof is requested.

Application No.

Filed

In

- X The Commissioner is hereby authorized to charge payment of the following fees during the pendency of the application or credit any overpayment to Deposit Account No. 01-1944. A duplicate copy of this sheet is enclosed

- (X) Any patent application processing fees under 37 CFR 1.17
- (X) Any filing fees required under 37 CFR 1.16 for the presentation of extra claims.

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Respectfully submitted,  
ANDERSON KILL & OLICK, P.C.

Attorneys for Applicant(s)



Dated: August 21, 2003

By: \_\_\_\_\_  
Richard B. Klar  
Registration No. 31,385

DE1501

CERTIFICATE OF EXPRESS MAILING

Mailing Label Number: EV 331921594 US

Date of Deposit: August 22, 2003

I hereby certify that this PRELIMINARY AMENDMENT w/PATENT APPLICATION PAPERS are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to: Mail Stop PATENT APPLICATION, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

  
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Audrey de Souza